

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	
)	
ROBERT D. BALLARD,)	
)	
Plaintiff,)	
)	
vs.)	SUMMONS
)	(JURY TRIAL REQUESTED)
THE HOUSING AUTHORITY OF)	
THE CITY OF COLUMBIA, S.C.,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer upon the subscriber at 1418 Park Street, Columbia, South Carolina, within thirty (30) days, thirty-five (35) days if service is by certified mail, exclusive of the day of said service, and if you fail to answer, appear or defend this action within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

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JONES-WALKER LAW FIRM

s/Thelma Jones-Walker
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ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina
Dated: February 1, 2019

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	
)	
ROBERT D. BALLARD,)	
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	(JURY TRIAL REQUESTED)
THE HOUSING AUTHORITY OF)	
THE CITY OF COLUMBIA, S.C.,)	
)	
Defendant.)	
<hr/>)	

1. That the Plaintiff is a resident and citizen of the County of Richland, State of South Carolina.
2. That the defendant is a public body corporate and politic established pursuant to §31-3-310, et. al., of the South Carolina Code of Laws, 1976, as amended, to promote and protect the health, safety, morals and welfare of the public by providing safe, decent and habitable housing for qualified residents in and near the City of Columbia, South Carolina.
3. That the defendant owns and operates a number of apartment complexes in and near the corporate limits of the City of Columbia for the occupancy of qualified residents including an apartment complex known as Allen Benedict Court.
4. That at all times relevant hereto, the plaintiff was a tenant of the Housing Authority of the City of Columbia and was housed as a resident in Apartment J-2 in Allen Benedict Court.

5. That upon information and belief, on or about January 16 and/or 17, 2019, a high concentration of poisonous gases including, but not limited to, carbon monoxide, hydrogen cyanide and natural gas, leaked from appliances and/or gas lines on and about the premises of Allen Benedict Court.
6. That the poisonous gases invaded the apartment unit occupied by plaintiff causing him to be exposed to the said gases.
7. That as a direct and proximate result of being exposed to the poisonous gases, the plaintiff suffered great physical harm and injury including past, present and future pain and suffering, medical expenses, mental anguish, disability, impairment which affects his income and employment, as well as his income and employment opportunities, and his enjoyment of life.
8. That the plaintiff is informed and believes that the defendant knew or should have known that poisonous gases were leaking in several of the apartments located in the Allen Benedict Court complex and breached its duty of care to plaintiff by failing to eliminate the production and leakage of the gases; by failing to warn plaintiff of the production and leakage of the poisonous gases and by failing to evacuate plaintiff from his apartment unit after having actual notice of the presence of the leakage of gases on and about the premises of the Allen Benedict Court apartment complex.
9. That the defendant, by its acts or omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:

- a. In failing to properly maintain Allen Benedict Court in a safe, healthy, decent and habitable condition;
- b. In failing to eliminate and abate repeated and ongoing known and suspected poisonous gas leaks;
- c. In failing to timely address health and safety hazards at Allen Benedict Court;
- d. In failing to equip the apartment units in Allen Benedict Court with carbon monoxide detectors;
- e. In failing to properly inspect the appliances and the premises at Allen Benedict Court for gas leaks after being notified by residents on several occasions of the odor and smell of gas leaks in and about the premises of Allen Benedict Court;
- f. In failing to adequately monitor and supervise the employees, agents or subcontractors that were hired to manage the complex and perform maintenances and repairs at Allen Benedict Court;
- g. In failing to warn the residents of Allen Benedict Court of the dangers of occupying and residing in an apartment within the Allen Benedict Court complex after receiving actual notice of the possibility that poisonous gases were present in and about the apartments located within the Allen Benedict Court complex;
- h. In failing to evacuate the residents that were occupying apartments within the Allen Benedict Court complex after receiving notice of the presence of escaping gases in and about the said premises;

- i. In failing to exercise due care in the maintenance and repair of Allen Benedict Court; and,
 - j. In failing to use the degree of care and caution that a reasonable and prudent landlord would have used under the circumstances then and there prevailing.
10. That the plaintiff is informed and believes that he is entitled to judgment against the defendant in an amount to be determined by the trier of fact.

WHEREFORE, plaintiff prays for judgment against the defendant in an amount to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

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